

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/90476/W
Site Address:	Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth, HD9 2SD
Description:	Demolition of Pole Barn and erection of one dwelling
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 29/07/2024

Officer Report.

Reference: 2024/90476

Location: Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth, HD9 2SD

Proposal: Demolition of Pole Barn and erection of one dwelling

Site Description.

The building that is the subject of this application is situated approximately 1km south of Holmbridge. It is accessed by means of Moss Edge Road, a private track which proceeds north off the adopted Hollin Brigg Lane close to the junction with Woodhouse Lane, serves at least four other dwellings close to the adopted highway, then continues as a private track to serve Moss Edge Farm. The total distance from the buildings to the adopted highway is roughly 800m. The middle and upper parts of its length, which serve Moss Edge Farm only and are in their ownership, are surfaced in tarmac.

The application site is located within the Green Belt and within the Holme Valley Corridor Strategic Green Infrastructure Network.

The application site is located approximately 200 metres from the boundaries of the Peak Park.

Description of Proposal.

Planning permission is sought for the demolition of pole barn and erection of one dwelling.

The existing pole barn structure directly north east of the North barn is proposed to be demolished and one residential dwelling is proposed on a similar footprint to the original demolished barn.

The dwelling would have the following dimensions:

- Width (front and rear elevations) – 11.5 metres
- Two-storey length (side elevations) – 6.3 metres, with a single storey rear projection of a further 3.3 metres
- Maximum height – 7 metres – pitched roof

The use of the materials would be reclaimed coursed stone to match the existing buildings with art stone tiling.

Internally the dwelling would incorporate a lounge, snug, kitchen, dining area, utility and W.C. to the ground floor and three bedrooms and two bathrooms to the first floor.

On-site parking is shown to be provided to the western side of the building, with garden amenity space available to the rear.

History of Negotiations / Amendments Received.

The case officer entered into negotiations with the applicant / planning agent, recommending the submission of very special circumstances to accompany the application. In response to this, the applicant / planning agent submitted a document entitled 'Additional Justification Statement'.

To reduce the potential impacts of the development on the openness of the Green Belt, the case officer recommended that amended plans be submitted to show a reduction in the extent of residential curtilage. As a result of this recommendation, an amended site layout plan was submitted (officers note that the original location plan shows the same red line boundary as the amended site layout plan).

In response to the consultation from KC Ecology, the planning agent submitted an amended 'Plans, Elevations and Site Layout to Proposed Dwelling' drawing, showing a Schwegler sparrow terrace on the north eastern facing elevation.

Whilst amended plans were submitted, officers did not deem it necessary to re-advertise the application. This is because the amendments saw an overall reduction in the extent of residential curtilage, retained the same description of proposal and did not increase the extent of built form from that originally proposed.

Relevant Planning History.

- 2023/91342 – Prior Notification for change of use from agricultural building to three dwellings with associated works. *Details Approved.*
- 2024/91893 – Part demolition and conversion of agricultural buildings to form 2 dwellings with associated parking and landscaping. *Pending Consideration.*

Representations.

The application was advertised via neighbour notification letters.

Final publicity date expired: 1st May 2024.

In response to publicity, three objections were received, which raised the following concerns:

Access / Highways:

- The lane leading to Moss Edge Farm is unsuitable for residential, refuse and emergency vehicle access. If this development goes ahead,

10 properties will need access. Despite the efforts of the owner, vehicle regularly have problems negotiating the track.

- There are no passing places at the bottom of the private lane access where it meets the highway and whilst understand some passing places have been added on the lane going up to the farm, these would not be satisfactory for additional cars and other vehicles, especially in bad weather, given the north facing nature of the hill coming down from Moss Edge Farm which is surrounded by trees. There is also a risk to the woods around adjacent to the road if passing places are installed.
- Concern that if Moss Edge Lane was improved too much, this would lead to cars speeding along it.
- The access road is to give access to the farmhouse for residential purposes but the access to the barns and pole barn is only for agricultural purposes. If the pole is converted, then this would be a new dwelling using the access in respect of which the right of way/access was never designed nor intended.
- The case of Parker v Roberts [2019] EWCA Civ 121 illustrates that new housing accessing a road/lane/driveway owned by a third party is not permitted under the case of Parker v Roberts.

Green Belt:

- Object to the development of a temporary farm structure namely the Pole Barn been redeveloped as it is within the Green Belt and does not fall within the exceptions to development within the Green Belt because of its temporary (rather than permanent) nature.
- This development clearly does not fall within the exception of acceptable uses and, as far can be seem on the online documents submitted, there are no VSC (*very special circumstances*) that apply to this proposed development.
- it is accepted that '*previously developed or brownfield land*' should be promoted for development/redevelopment, but, as noted with the NPPF (National Planning Policy Framework) agricultural buildings are clearly excluded from this definition.

Policy / Legislation:

- The conversion of the pole barn would be contrary to paragraph 80 of the NPPF as there are no relevant circumstances that would justify the development of isolated homes in the countryside.
- Section 65 of the Environment Act 1995 requires local authorities to have regard to the purposes of a national park 'in exercising or performing any functions in relation to, or so as to affect, land in a

National Park'. The purposes of a national park include the conservation and enhancement of natural beauty, wildlife and cultural heritage. The National Planning Policy Framework at paragraph 176 requires development in the setting of a national park to be 'sensitively located and designed to avoid or minimise adverse impacts'.

- Contend that the site is an 'impractical and undesirable' location for any dwelling houses using Moss Edge Road as the access route. This breaches the aims and objectives of Paragraphs 78 and 79 of the NPPF and Policies LP20, LP21 and LP24 of the Kirklees Local Plan.

Visual Amenity:

- Unlike the other barns, the pole barn cannot be converted to a dwelling without being demolished and an entirely different structure being built. This then clearly changes the landscape and should therefore be refused.

Construction / Noise & Traffic Pollution:

- It can be expected that the development, if approved, will require large amounts of building materials to be frequently delivered to it over a prolonged period of time which will have a substantial impact on the noise and traffic pollution along Moss Edge Lane.

Consultation Responses.

Peak District National Park Authority – The PDNPA has no objections to the proposal. It is preferred that the proposal be constructed in traditional materials that respect the character of its setting.

KC Environmental Health – no objections with the inclusion of conditions regarding unexpected contamination, implementation of agreed foul drainage scheme and various footnotes.

KC Ecology – no objection, subject to a condition which will allow for biodiversity net gain at the site and continuity of opportunities within the Twite layer.

KC Highways Development Management – Given the previous approval for 3 dwellings, and that improvements have been undertaken including the provision of passing places no objection to these proposals.

Holme Valley Parish Council – No comment. Defer to Kirklees Officers.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The

statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within the Green Belt and within the Holme Valley Corridor Strategic Green Infrastructure Network.

The application site is located approximately 200 metres from the boundaries of the Peak Park.

The application site is located within the Twite Buffer zone on the Council's GIS mapping system.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP43 – Waste Management Hierarchy
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Local Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP57 – The extension, alteration or replacement of existing buildings
- LP60 – Re-use and Conversion of Buildings

Holme Valley Neighbourhood Development Plan:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

It is important to note that the application site is within Landscape Character Area 3 – Hade Edge Upland Pastures. Key landscape characteristics of the area are:

- The open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way (PRoW) follows local lanes or field boundaries. Minor roads and PRoW, including sections of the Kirklees Way and the Barnsley Boundary Walk long distance footpaths, connect farmsteads located on the valley sides. National Cycle Route no. 68 also passes through this area.

The key built characteristics of the area are:

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.
- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

Supplementary Planning Documents (SPD):

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)

Other Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11- Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1) Principle of Development

Sustainable Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably*

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The site measures around ~ 4,706.89, however, the significant size of the site is predominantly a result of the inclusion of the access route to the property. Therefore, it is not considered likely that it would be feasible for more dwellings to be provided within the red line. Notwithstanding this, even if there was a possibility to provide more dwellings at the site, it would increase the potential for other issues to arise, which could have a harmful impact, including on the openness of the Green Belt and highway safety. Therefore, in this instance, the density of development is considered to be appropriate in this case.

In this instance, the site comprises of a plot, which currently hosts a pole barn. The submitted Planning Statement sets out that the pole barn has no use for the current farms use and is in a poor state of repair. A more detailed assessment of the proposal's design and its impacts on visual and residential amenity, highway safety and other relevant considerations, is undertaken in the following report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

Land Allocation (Green Belt):

The application site is located within the Green Belt. As such the proposal falls to be assessed against Chapter 13 of the NPPF. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings as inappropriate development. Exceptions to this include the re-use of buildings provided that the buildings are of a permanent and substantial construction, engineering operations, and the extension and alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

All of the exceptions listed above (detailed in paragraphs 154 and 155 of the NPPF) could be applicable in this case provided that the proposed development preserves openness and does not conflict with the purposes of including land within the Green Belt.

Policy LP60 of the Kirklees Local Plan reiterates the first exception as stated above, by stipulating that the conversion or re-use of buildings in the Green Belt will normally be acceptable where:

- a) The building to be re-used or converted is of a permanent and substantial construction.
- b) The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape.
- c) The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting.

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings. Noting that:

‘Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*
- a. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*
- b. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*
- c. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting’.*

In this case, the agent has outlined within their Planning Statement that the development seeks to demolish the existing pole barn structure and erect one residential dwelling on a similar footprint to the original demolished barn.

In respect of LP60 of the Local Plan and paragraph 154 of the NPPF, the construction of new buildings should be considered as inappropriate in the Green Belt, with one of the exceptions to this (d) *‘the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces’.*

The proposal would see the erection of a new building which would be a dwelling and therefore, would not be in the same use as the existing pole barn. Therefore, whilst the proposed new dwelling building is smaller in footprint and volume than the existing barn, due to the changed use, the

proposal would not appropriately comply with the exception of Green Belt development above.

On this occasion, whilst the construction of new buildings within the Green Belt is considered inappropriate, the planning balance needs to be considered.

As set out in paragraph 152 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF goes on to advise that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this instance, the applicant / planning agent has put forward that they consider very special circumstances do exist in this case. An Additional Justification Statement was submitted. Below is a list of the summarised, very special circumstances that were put forward within the Additional Justification Statement:

- The proposal removes a redundant structure that visually detracts from the site.
- The proposed building is smaller in footprint and volume than the existing barn and keeps the new building even closer to the existing buildings.
- Class Q approval for the conversion and formation of 3 new dwellings directly adjacent the existing barn was approved in December 2023. The site will imminently be entirely residential.
- The new dwelling improves the openness of the Green Belt over the existing barn structure.
- The proposed dwelling provides a defined line of development and 'book ends' the site.

The reasons set out above are considered by officers to form relevant material planning considerations, that constitute very special circumstances.

Officers emphasise that this is a unique site, with the existing permission in place for the conversion of the barns sets it apart from other farmstead developments.

Taking the above into account, it is considered that 'very special circumstances' which need to be in place, and which clearly outweigh such harm caused to the Green Belt have been demonstrated and therefore the development is considered to be acceptable in principle.

In addition to the very special circumstances, it is considered weight can be afforded to the fact that permitted development rights can be removed, as a condition upon any grant of permission. It is considered this is a factor which forms part of the very special circumstances that weigh in favour in this case. It is considered that removal of permitted development rights would be

applicable in this exceptional case in light of the fact it would contribute to there being identifiable very special circumstances.

The proposals now need to be assessed in terms of their impacts on visual and residential amenity, highway safety and other matters.

1) Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Policy LP11 of the Kirklees Local Plan requires that All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), Hade Edge Upland Pastures (LCA3).

Policy 2 of the HVNDP states that *“proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings”* and [proposals] *“should protect and enhance local built character and distinctiveness...”*

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*

- *Illustrating how landscape opportunities have been used and promote a responsive appropriate approach to the local context.”*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

In respect of the proposed layout of the site, this is somewhat dictated by the existing pole barn and the other buildings within the immediate vicinity of the site which are to be converted to form dwellings, following the approval of details under application 2023/91342. The proposals will not significantly change the existing arrangement at the site, with the pole barn currently situated in close proximity to all other structures. The new dwelling will move even closer to the existing buildings than the existing pole barn, clearly outlining the extents of the development, creating a small hamlet of residential properties. Therefore, given that the proposals will not significantly change this arrangement and bring the extent of built form closer to existing, the proposals are considered to accord with Principle 5 of the above SPD.

Principle 6 of the Housebuilders Design Guide SPD highlights that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.*

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

In this instance, the new dwelling would retain a separation distance of 5+ metres from the nearest property within the immediate vicinity of the site. Therefore, the proposals are considered to accord with Principle 6 of the above SPD.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The proposed new dwelling would be of a form, scale and height which relates to the other approved dwellings within the immediate vicinity of the site and the materials would be coursed stone to match the existing buildings with art stone tiling. Therefore, it is considered that the new dwelling under this application would reflect what currently exists at the site and thus also accord with Principles 13 and 15 of the above SPD.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The new dwelling would have regular windows and an access door to the front elevation, obscurely glazed windows to the south west facing side elevation, glazed doors and a Juliet balcony to the north east facing side elevation and regular windows and glazed doors to the rear elevation. In addition, roof lighting is proposed to the rear in the form of two velux windows.

These forms of glazing are considered to be in keeping with the architectural design of the other residential properties within the immediate vicinity of the site, with the details approved under application 2023/91342. In addition, the plans set out that the doors and windows will be constructed from grey aluminium / grey composite, as approved for the dwellings under application 2023/91342.

Access is retained as existing, with a driveway on the western side of the building. This area of hard standing would be located between the replacement dwelling and one of the dwellings as approved under application 2023/91342. As such, given the siting of the proposed driveway it is considered to have a relatively low impact visually, as it would be obscured by the presence of built form. It is considered that, upon any grant of approval, it is reasonable to impose a condition regarding the surfacing to be undertaken.

Outdoor amenity space is to be provided to the rear and north eastern side elevation. Upon any grant of approval, officers consider it reasonable to include a condition regarding the submission of a scheme detailing hard and soft landscaping.

With regards to boundary treatments (landscaping), the submitted drawings annotate a post and rail fence around the site. Whilst it is considered that this boundary treatment would likely be appropriate from a visual amenity perspective, upon any grant of approval, it is considered reasonable to include a condition regarding the submission of boundary treatments.

In summary, with the inclusion of the aforementioned conditions, it is concluded that the proposed development would have an acceptable impact on visual amenity.

2) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: *'Maintain appropriate distances between buildings'* and *'...minimise impact on residential amenity of future and neighbouring occupiers'*.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

Impact to Neighbouring Properties:

The North Barn was granted approval to become a residential property under application 2023/91342. The proposed dwelling under this application would retain a separation distance of 5+ metres from the adjacent side elevation of The North Barn and the two windows on the facing south west side elevation would be obscurely glazed. Given these factors, officers do not have concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing on the future neighbouring residential property of The North Barn.

With regard to the close relationship between the gardens of The North Barn and the dwelling proposed under this application, upon any grant of approval, a condition shall be included regarding the submission of a scheme detailing all boundary treatments.

It is considered that the proposed dwelling would retain a sufficient distance from the other residential properties within the immediate vicinity of the site (The Stables, The West Barn & Farm House) as to prevent undue impacts of overlooking, overshadowing and overbearing.

Noise, Dust / Odour:

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into consideration noise and odour pollution, given that the application seeks permission of a new dwelling to replace an existing pole barn, it is not considered that the proposal would give rise to any noise, dust or odour pollution over and above the existing circumstance of the surrounding area.

To protect the amenity of surrounding residents, upon any grant of approval, an informative note which restricts noisy construction related activities during construction works will be included within the decision notice.

Amenity of Future Occupiers of the Proposed Dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Whilst officers note that bedroom 2 would be served by an obscurely glazed window and velux windows, in this instance, this level of fenestration is considered to be acceptable, with the communal habitable spaces to the ground floor (snug, lounge and dining area) adequately served by glazing.

In this case, the dwelling would have three bedrooms. It is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

In conclusion, with the inclusion of the aforementioned informative note, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

3) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the SPD states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Prior notification for change of use from agricultural buildings to three dwellings with associated works was granted on this site in December 2023 (2023/CLASS Q/91342). Whilst this proposed change of use was not supported by Highways Development Management, conditions were imposed requiring for the provision of parking spaces and six vehicle passing places between Woodhouse Lane and Moss Edge Farm, bin collection was shown to be provided from Hollin Brigg Cottages as for the existing dwellings.

The officers report for the Prior notification for change of use made the following comments regarding emergency vehicle access and gradients:

“The applicant’s agent however asserts that three full-size fire engines attended a fire at the site last winter. This is confirmed the submission of an attendance log by the local Fire Service. It is therefore considered on balance that the layout of the road does not prohibit access for large emergency service vehicles, although it may make it difficult for them”.

“Refuse vehicles will not need to negotiate the track. Steep gradients, including on parts of the adopted highway network, are a notable feature of the Holme Valley. The road does not continue to provide access to other dwellings or places of employment, nor does it carry the route of a Public Right of Way, so any residual risk arising from the steep gradients will be borne principally by the future occupants themselves and occasional visitors. It is therefore considered on balance that whilst gradients are in places more than recommended, it would, for a track serving four dwellings, be difficult to substantiate as a safety-based reason for refusal”.

The proposal under this planning application shows a 3-bedroomed dwelling adjacent to the 3-bedroom dwelling that was granted change of use by 2023/CLASS Q/91342 prior notification. Two dedicated off-street parking spaces are shown to the side of the proposed dwelling.

Given the previous approval for 3 dwellings, and that improvements have been undertaken including the provision of passing places, on balance, it is concluded that this application is acceptable with regards to impacts on highway safety.

Upon formal consultation with KC Highways Development Management, Highways Officers concluded that, on balance, they had no objection to these proposals.

Waste storage and collection positions are indicated on the submitted site plan.

For these reasons, the proposed development is considered to comply with the requirements of LP24 part d(vi), LP43 and the Kirklees Highway Design Guide SPD.

4) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy."*

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Biodiversity / Ecology:

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide SPD states that *"Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development."*

The application site is located within a Twite Buffer zone on the Council's GIS mapping system.

The proposed development is anticipated to have no impacts on any ecological receptors. General principles with regards to the protection of wildlife should be adopted throughout the development. In the occurrence that a bat is found during the development, works should cease immediately, and the help of suitability qualified ecologist should be sought.

Given the above, KC Ecology concluded in their consultation response that they have no objections to this application, subject to a condition to allow for biodiversity net gain at the site and continuity of opportunities within the Twite layer.

Following receipt of the consultation response from KC Ecology, the planning agent / applicant submitted an amended plan, titled 'Plans, Elevations and Site Layout to Proposed Dwelling' (Dwg No. 227-24-PL103 Rev C). This amended plan shows a Schwegler sparrow terrace on the north east facing side elevation.

Therefore, given the submission of amended plans, officers no longer deem it necessary to impose such a condition as suggested within the consultation response from KC Ecology, with the amended plans adequately addressing provisions for biodiversity net gain at the site and continuity of opportunities within the Twite layer.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The application form confirms that there are no trees or hedges on the proposed development site and that there are no trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character.

As such, given that the proposal would not result in the loss of any existing trees or hedgerows at the application site, it is not considered that the

proposal would have a significant impact upon the Strategic Green Infrastructure Network.

Peak Park:

The application site is located approximately 200 metres from the boundaries of the Peak Park.

As part of the determination of this application, a formal consultation was undertaken with the Peak District National Park Authority. The consultation concluded that the Peak District National Park Authority has no objections to the proposal.

Within their consultation response, the Peak District Park Authority also sets out *'It is preferred that the proposal be constructed in traditional materials that respect the character of its setting'*.

The dwelling would be constructed from reclaimed coursed stone to match the existing buildings with art stone tiling. Therefore, officers conclude that the matters respect the character of its setting.

Air Quality:

Government guidance on air quality mitigation outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24, LP26 and LP51 and the West Yorkshire Low Emissions Strategy Planning Guidance seek to mitigate Air Quality harm.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition. However, upon any grant of approval, an advisory footnote for electric vehicle charging points would be included.

Drainage:

Due to its location the proposed development will not be able to connect to a mains foul drainage system. The proposal is to replace the existing septic tank with a Klargestor Alpha septic tank Ref: STS04610 with a capacity of 4600 litres, servicing a maximum of 17 people. We accept the information that has been submitted and recommend a condition to secure the installation of the septic tank.

Therefore, upon any grant of approval, a condition shall be imposed regarding the implementation of the agreed foul drainage scheme and an informative about the adequate provision for foul drainage.

Contaminated Land:

The proposed development site is not shown as being potentially contaminated from its former use and is not within 250m of any historic landfill sites. However, as the proposed development will involve ground works, we recommend conditions relating to unexpected contamination being encountered during the construction phase.

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan and paragraphs 186 and 195 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 190 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Upon any grant of approval, a condition would be imposed regarding unexpected contamination.

Subject to the inclusion of this condition, the proposal is considered to be acceptable in this regard.

5) Representations

In response to publicity, three objections were received.

Officers consider that assessment section 4 of this report, 'Impact on Highway Safety', sufficiently responds to the objections raised with regards to matters of access and highways. The objections raised with regards to matters of access and highways are set out within the above sub section titled 'Representations' at the start of this officer's report.

It is considered that the objections raised with regards to matters of the Green Belt are sufficiently responded to by the officer's assessment set out with assessment section 1 of this report, 'Principle of Development'. This section of the report concludes that very special circumstances are present, which clearly outweigh harm caused to the Green Belt and that the development is therefore considered to be acceptable in principle.

The 'Visual Amenity' section of this report is considered to appropriately respond to the objections raised on this matter. This section of the officer's report concludes that, with the inclusion of relevant conditions, the application is acceptable from a visual amenity perspective.

Section 3 of this officer's report, 'Impact on Residential Amenity', includes an assessment of 'Noise, Dust / Odour', with it concluded that, the proposal

would not give rise to any noise, dust or odour pollution over and above the existing circumstance of the surrounding area. However, to protect the amenity of surrounding residents, upon any grant of approval, an informative note which restricts noisy construction related activities during construction works will be included within the decision notice.

One of the objections received relating to policy / legislation specifically refers to the Environment Act 1995 and having regard to the purposes of the National Park. As part of this application, a formal consultation was undertaken with Peak Park District Authority, who concluded that they have no objection to the proposal.

6) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers
Application Number: 2024/90476
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP31, LP32, LP43, LP51, LP52, LP53, LP57 & LP60 Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18 & 19 of the Housebuilders Design Guide Supplementary Planning Document, Policies 1, 2, 11, 12 & 13 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 4, 5, 11, 12, 13, 14 & 15 of the National Planning Policy Framework.

3. Prior to the superstructure of the hereby approved dwellinghouse commencing, details of external facing and roofing materials to be used shall be provided for inspection of and approval in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details so approved.

Reason: In the interests of visual amenity, in accordance with Policies LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D or E of Part 1 and / or class A of Part 2 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: In the interests of the Green Belt to accord with the requirement for very special circumstances to be demonstrated in this case to comply with policies within Chapter 13 of the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until a scheme detailing all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted

scheme shall detail the height, location and construction of all boundary treatment. The boundary treatments approved by this condition shall be completed prior to the development being brought into use and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and policies within Chapters 12 of the National Planning Policy Framework.

6. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of hard and soft landscaping in the interests of visual amenity to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians within the curtilage of the dwelling has been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. Should permeable or porous surfacing be intended to be used, no dwelling house shall be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians for that dwelling house has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. Before the development is first brought into use all works which form part of the foul drainage scheme as specified in the Foul Drainage Assessment by Hinchcliffe and the submitted plan titled "Pole Barn

Redline Boundary & FW Drainage” (drawing no. 227-24-PL102) (dated: 15.02.2024) shall be implemented.

Reason: to prevent loss of amenity by way of foul effluent polluting the local environment and impacting drinking water quality, to accord with the aims of the Kirklees Local Plan LP34 and LP52 and Chapters 15 of the National Planning Policy Framework.

9. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

NOTE: Construction Site Working Times No construction related noise shall be audible beyond the site boundary outside the hours of:

07:30 to 18:30 hours Mondays to Fridays

08:00 to 13:00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE:

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group

NOTE: Specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Any discharge from a waste-water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	227-24-PL101	-	27.02.24
First Floor Plan	HADL_12_Moss Edge Farm	A	27.02.24
Ground Floor Plan	HADL_12_Moss Edge Farm	A	27.02.24

Elevations Plan North Barn	HADL_12_Moss Edge Farm	A	27.02.24
Site Plan	HADL_12_Moss Edge Farm	A	27.02.24
Plans, Elevations and Site Layout to Proposed Dwelling	227-24-PL103	C	08.07.24
Pole Barn Redline Boundary & FW Drainage	227-24-PL102	B	23.07.24
Climate Change Statement	-	-	27.02.24
Foul Drainage Assessment	-	-	04.03.24
Foul Drainage Assessment Form (FDA1)	-	-	04.03.24
Design & Access Statement	227-23-R1	-	08.03.24
Additional Justification Statement	227-24-R1	-	14.06.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer entered into negotiations with the applicant / planning agent, recommending the submission of very special circumstances to accompany the application. In response to this, the applicant / planning agent submitted a document entitled 'Additional Justification Statement'.

To reduce the potential impacts of the development on the openness of the Green Belt, the case officer recommended that amended plans be submitted to show a reduction in the extent of residential curtilage. As a result of this recommendation, an amended site layout plan was submitted (officers note that the original location plan shows the same red line boundary as the amended site layout plan).

In response to the consultation from KC Ecology, the planning agent submitted an amended 'Plans, Elevations and Site Layout to Proposed Dwelling' drawing, showing a Schwegler sparrow terrace on the north eastern facing elevation.

Report Dated:

29.07.24
